

REMARKS

The Office Action of January 20, 2010, has been reviewed and these remarks are responsive thereto. Claims 2 and 4 have been canceled in the present paper. No new matter has been added. Claims 1, 3, and 5-13 are pending upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

The amendments to the claims in the present paper place the application in form for allowance (or in better form for an appeal). As discussed below, the amendments to the independent claims incorporate features similar to those previously recited in (now-canceled) claim 4. Amendments to the dependent claims are merely of a clarifying nature. Accordingly, this paper may be immediately entered. *See* MPEP §§ 714.12, 714.13 (providing that an amendment that will place the application either in condition for allowance or in better form for appeal may be entered after final rejection).

Rejections Under 35 U.S.C. § 103

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. pat. no. 6,549,792 to Cannon et al. ("Cannon") in view of U.S. pat. no. 7,400,878 to Hassan et al. ("Hassan"). This rejection is traversed below.

Amended independent claim 1 recites, among other features, "detecting a change of state of motion of a terminal from a state in which the terminal is in motion, to a state in which the terminal is substantially at rest." The above-noted features recited in claim 1 are similar to features previously recited in (now-canceled) claim 4. In rejecting claim 4, the Office Action at page 4 contends that Cannon at col. 5, lines 40-60 describes detecting a change of state of motion of a terminal from a state in which the terminal is in motion, to a state in which the terminal is substantially at rest. However, neither Cannon at the cited passage, nor any other passage of Cannon, describes such features. Instead, Cannon at col. 5, lines 40-60 describes comparing a motion associated with a terminal in close temporal proximity to the terminal ringing while a user is walking. Even assuming (without admitting) that the limited motion of the terminal while the user is walking prior to the terminal receiving the ring in Cannon could have been analogized to the terminal being substantially at rest, Cannon at col. 5, lines 40-60 fails to describe detecting a change of state of motion of a terminal from a state in which the terminal is in motion, to a

state in which the terminal is substantially at rest. At most, Cannon at col. 5, lines 40-60 describes detecting a change of state of motion of a terminal from a state in which the terminal is substantially at rest (when the wireless telephone is clipped to the user's belt or while stored in the user's pocket when the user is walking) to a state in which the terminal is in motion (when the user answers the wireless telephone in response to the ring). In other words, the order of detecting motion and rest in Cannon is opposite of that recited in claim 1.

Notwithstanding whether a combination of Cannon and Hassan would have been proper, Hassan fails to remedy the deficiencies of Cannon described above with respect to claim 1. Claim 1 is distinguishable from the applied documents for at least the foregoing reasons.

Claims 7 and 10 each recite features similar to those described above with respect to claim 1. Claims 7 and 10 are distinguishable from the applied documents for at least reasons similar to those discussed above with respect to claim 1.

The dependent claims are distinguishable from the applied documents for at least the same reasons as their respective base claims, and further in view of the unique combinations of features recited therein. For example, claim 11 recites "wherein detecting a change of state of motion of the terminal comprises determining that a motion detector included in the terminal has triggered an interrupt." The Office Action at page 5 contends that Cannon at col. 6, lines 15-30 describes detecting a change of state of motion of a terminal comprises determining that a motion detector included in the terminal has triggered an interrupt. Cannon at col. 6, lines 15-30 merely describes that a controller causes a wireless handset to transition to an on-hook state in response to a lack of voice activity detected by a voice activity detector, and an absence of motion as detected by an accelerometer. Detecting a lack of voice activity and an absence of motion fails to teach or suggest a triggering of an interrupt as recited in claim 11. Claim 11 is allowable for at least these additional reasons. Similar remarks apply with respect to the features recited in claim 12.

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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By: /Mark E. Wilinski/
Mark E. Wilinski
Registration No. 63,230

1100 13th Street, N.W., Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001